

# ROWAN COUNTY.

## A Graphic Story of the Origin and Progress of the Lawlessness Which Has Disgraced a State.

## The Law Used to Shield Criminals Has No Terrors Except for Peaceful Citizens.

## Murder a Pastime and Assassination the Recreation of a Desperate Gang of Out-throats.

## FEARS OF A FURTHER OUTBREAK.

[Special Correspondence of the Courier-Journal.]  
MOREHEAD, Aug. 20.—Now that the curtain has fallen on the last scene in the judicial farce that has been played in Morehead, it may be both entertaining and instructive to review the plot, analyze the play, calculate results and draw a moral from the whole. Your readers have already been informed in a general way of the lawlessness that has prevailed in the county of Rowan for months, and of the efforts that have been made to restore law and order and bring peace and quiet to the people. The Governor, Secretary of State, Adjutant General and Attorney General have all been on the ground. An examining court sat for weeks and Circuit Court has come and gone and yet, Rowan is not quiet. Her good people are in fear, and the shadow of an impending calamity hangs over all. Why this is so can only be understood by an analysis of this singular situation. Lawlessness, too, prevailed in other counties, and divided into clans and organized bands, murderers and assassins have overridden the law, defied the authorities, and trampled justice and right under foot; but in the end the strong arm of the law has triumphed, and backed by the moral support of the good people, the courts have punished the guilty and restored peace and order. Why is this not so in Rowan? The solution is simple. In all other instances the lawlessness has resulted from feuds between families and clans, and the object of their banding together was murder, and the

**EXTERMINATION OF THEIR FOES,**  
but the officers of the law were not implicated, and the legal machinery was left intact, and in time asserted its power. But it is not so in Rowan. Here officers have been the chief actors, and the law has been first the pretext for the crime, and next the shelter for the criminal. The people of Rowan, however, are not unlike other people, similarly situated. The county is rough and mountainous, and the lands are barren and unproductive. The masses are poor and ignorant, and have not had the educating and humanizing influences of churches and schools, for I am told there never was a church in the county until within the last year one has been erected about ten miles from the county seat. Yet the great mass of the people are true, faithful, and law-abiding, loving their homes and desiring peace; but they are poor and ignorant, and while neither encouraging nor sympathizing with fraud, artifice, and crime, yet they seem educated at least to bear with it as a thing unavoidable with which they have no business to meddle, and no power to control.

Your readers are already familiar with the history of the crimes that have been committed in the county, as well as the trials that were held before the examining court, but a brief summary may not be out of place. One Cook Humphrey, a Republican, had been elected Sheriff. It seems he was a man of fair character, and against whom there was no special ground of opposition. A man by the name of Tolliver had been killed in Morehead by one John Martin, who was arrested and sent to an adjoining county for safe-keeping. A short while afterward one Al Bowling, with others, presented an order to the jailer of the county to which Martin had been sent purporting to be an order from the County Judge of Rowan county to the jailer having in charge Martin, to deliver him up to be returned for trial. On this order the jailer delivered up Martin to Bowling and others. Martin, however, protesting and saying at the time that it was

### A SCHEME TO KILL HIM.

He was placed on the train, and at Farmer's the plot was disclosed by two men taking possession of the engineer and several others going in and shooting Martin to death. The order was a forgery in fact. After this, Miss Sue Martin, the sister of John Martin, was exceedingly active in her efforts to bring the parties to trial, and through the public prints and otherwise denounced the murderers of her brother, and charged conspiracies, involving Taylor Young, the County Attorney, and others. Miss Martin was a teacher, a woman of unblemished character, frail and delicate in form; but proud, fiery, determined and resolute. In the meantime it was whispered around that the Sheriff, Humphrey, was a friend to the Martins, and not under the dominion of the Tollivers, Bowlings, or their friends, and that he would not be permitted to ride as Sheriff. Trouble was brewing in the air, and it was seen and felt by all. No arrests had been made for the killing of Martin, and around Craig Tolliver the clan rallied and took its name. Humphrey was then rarely seen in town and carried his gun wherever he went. On one occasion, when he was in town, with one Ed. Pearce, both armed with guns, as if by mutual consent, the fight began with the Tolliver clan, collected in the lower part of town, at Barns' Hotel, their headquarters, and Humphrey and Pearce, in the upper part of the town, at Cary's Hotel. The Tollivers drove them out, and that night more than one hundred shots were fired into the Cary house. Cary was County Clerk, and though not charged with the shooting, he was regarded as a friend to the so-called Martin side, and fled to Kansas, and there remains. Humphrey had substantially ceased to act as Sheriff, the business being transacted by his deputies, Bumgardner and Dillon, both Democrats. Bumgardner was waylaid and shot dead from his horse, and Dillon forced to resign and refused further to act. The Sheriff's office was then declared vacant, and

### COOK HUMPHREY BECAME A REFUGEE.

While these things were going on, Taylor Young was shot and wounded in the shoulder while riding about three miles from town, and Ed. Pearce is charged with having shot him. Following these things the clan Tolliver kept organized and plying between Farmers and Morehead, the members always in striking distance. Craig Tolliver, their

leader, becomes Town Marshal of Morehead, and Bob Morris his right hand man, Town Constable, with one Mennick Police Judge.

The facts of the last killing are fresh in the minds of your readers. The C. and O. midnight train east brings from Farmers the part of the clan stationed there, and at 8 o'clock in the morning Mennick, the Police Judge, who is conveniently spending the night at the Tolliver headquarters, hands out from his door to Tolliver and his assistants, all duly summoned and armed with guns, a writ for the arrest of Humphrey, charging him with raising a lawless band of men to attack the good citizens. They repair to the Martin house, where Humphreys, in company with Ben Raybourne, had cautiously come to bid good-bye to his sweetheart, the youngest Miss Martin, before leaving for Kansas. The inmates of the house were old Mrs. Martin, sixty years old, and the mother of thirteen children, her two single daughters and a married daughter, near approaching maternity, and Humphrey and Raybourne.

Nine armed men watch and wait, while the two victims at bay in an upper room count the weary hours the day through. They make a break for freedom and Raybourne is killed, but Humphrey escapes. I need not recite the sad story of that day to those poor women. The one almost a mother fainting, the oldest sister running to town for a doctor and being dragged by Tolliver through the streets to jail, the second following to see what had become of her sister and sharing a like fate, while the old mother, watching over her sick daughter, waited for the shadows of night, which were to hide the human fiends that

RETURNED TO MAKE ASHES OF HER HOME and drive her and her daughter out into the night to die. Yet for all this, no indictment had ever been found and no warrant issued. Z. T. Young was County Attorney, and his son was the only other lawyer in the town. Two other lawyers had fled for their safety, and many citizens were leaving their homes, and those that remained dared not criticize the ruling dynasty. Under this state of affairs the Attorney General appeared upon the scene. The County Judge was a weak and ignorant man, living in the extreme end of the county, but he issued warrants for the arrest of the murderers of Raybourne, and one A. J. McKenzie was appointed Sheriff. The arrests were made without resistance, and the County Judge was sworn off the bench, the law remanding the prisoners to the custody of the peace officer to be taken before two Justices of the Peace. An examining court, composed of two Justices of the Peace, was selected by him, and the trial began. It was known from the beginning that one of the Magistrates, Phillips, would decide for the defendant, and the Attorney General so informed the Governor; but the proof was heard and the facts developed. The people took courage and began to tell what they knew.

**THE POPULAR SENTIMENT**  
for law and order was formulated and developed. The son of Z. T. Young and one Wilson, of the clan Tolliver, had gone to Montgomery county and deposited \$5000 bail for Ed. Pearce, who was confined in jail under a charge of robbery, and brought him to Morehead ostensibly to try him for shooting Z. T. Young, but really to make him a witness for the defense to break down the testimony of Miss Martin, Pearce having before made a confession that implicated Mrs. Martin in having him to come to the county to help Humphrey. Pearce was put on the witness stand, and went back on his confession, saying that it was extorted from him by the son of Z. T. Young and Craig Tolliver, who, when he was first arrested, visited him in jail and told him they were going to take him by the force that Martin was taken to Morehead. This, he said, he knew meant to kill him, and to save his own neck, he fixed up a tale that would suit Young and the Tolliver faction. At this stage of the testimony Young, who had given the case to the Attorney General, admitting in open court and privately that his sympathies were with the defendants, but claiming his right nominally to represent the Commonwealth, asked the privilege of examining the witness to exonerate himself, which was readily accorded him. He asked the witness, first, if he (the witness) had not sent for him (Young) to make his confession to, and if he (Pearce) had not made it to him voluntarily.

Pearce responded that he had, but that Tolliver and his (Young's) son had both suggested it, and he knew that Young was the only man that could do him any good.

Young then undertook to demonstrate the truth of the confession by showing a knowledge of the facts as to the locality, and the place and manner of the shooting. To this the Attorney General objected. Then occurred the scene, so graphically reported at the time, in which Young declared this confession true and the present testimony false, and for which the defendants and their friends applauded him, and the Attorney General, in the face of menaces and threats from the defendants and their friends, so severely reproved him and denounced his position in nominally representing the Commonwealth, but really acting for the accused.

But perhaps the strongest point in the testimony of Pearce was his complete corroboration of Miss Sue Martin, as to the facts, time and place of the only meeting that they had ever had, Miss Martin having before testified, and Pearce having been held in jail under rule as a witness, and no opportunity for communication with any one.

But as the trial wore on Young took no further open part in it, though always present. Phillips decided the defendants not guilty, but Tolliver, the leader, was not free. For several days the Attorney General and the Prosecuting Attorney of Cincinnati had been in communication. Tolliver was waiting there for robbing his mother-in-law. Requisitions had been made and the papers were issued by the Governor, and in the hands of an officer ready to serve them, Tolliver was taken, identified, and transported to Cincinnati, where he now awaits his trial. But Circuit Court came on; the regular Judge, Cole, it is known, is sick. Again

### THE GOVERNOR AND ATTORNEY GENERAL

appear on the scene to see to the organization of court. The law provides that the bar may elect a Judge, and it is only on this failure to elect that the Governor may appoint. Holbert, afterwards elected Judge, and Roe, appointed by him Commonwealth Attorney, are on the ground: eight or ten lawyers, many of whom were not regular practitioners at that bar, were present. Young had taken a trip over the district, and long before the hour for Court to open it was well known that Young's friends would elect Holbert Judge. He was elected, and Roe appointed Commonwealth Attorney, but before his election, or the appointment of Roe, the Governor and Attorney General had in person seen him, made known the situation, and requested the appointment of Mr. McGuire, who had assisted in the first prosecutions, and hunted up the facts of Mr. Casseday from Fleming county, who was incorruptible, and a man of force and ability. But these suggestions were unheeded, and again Z. T. Young and his friends were advised with.

The court was organized, and the grand jury read out and called. On it were two of the defendants that had been on trial for weeks, and more than half of them were the brothers, uncles, fathers, and close kin of clan Tolliver, besides others their close friends and advisers while under arrest and trial. With Holbert, Capt. Roe, and Young, Commonwealth's and District Attorneys, at the helm, and this crew to back them, no wonder the people were appalled and witnesses refused to discover their knowledge of facts or interest in the prosecution.

ations. The Commonwealth's Attorney was notified of the facts by the Attorney General, and appealed to to know what he was going to do. He failed and refused to act, and then it was that the Attorney General appeared in open court and

**DISCOVERED THE TRICK,**  
exposed the facts and demanded that the whole panel be set aside. This motion was resisted both by Young and Roe by violent harangues, and the court from the bench, conceding the facts, partially promised to set the jury aside, provided they did not discharge their duty. This jury sat till the end, and fulfilled to the letter the predictions of the Attorney General. They indicted old Mrs. Martin, charging her with poisoning a turkey, a prosecution set on foot during the first trial of the Tollivers to break her down as a witness; but the Attorney General, seeing the trick, refused to let it materialize. They indicted any and everybody but the murderers of Martin, Bumgardner and Raybourne, and finally whitewashed the county officers and went out of their way after indicting Humphrey five times to condemn him as an officer, though he had been out of office more than five months.

To the initiated, this report smells strong of the manipulation of the master hand that has moved the wires from the beginning. But this is not all. Jury commissioners were to be appointed to select a jury for the next court. Who was to be selected? The court was appealed to by the Law and Order citizens' meeting. But no, the fiat had gone forth—the die was cast. McKenzie, the tried true, who had selected the examining court, was to be one, and McMillan, half lawyer and half doctor, who sat with counsel aided, assisted and advised and befriended the defendants through a three weeks' trial, was to be another.

This ended the farce. The good people of the county are heart-sick, weary and disgusted, with no promise from the future; while the proud manhood of the State bows its head in shame and sorrow that Rowan county marks a spot within the borders of the Commonwealth.

## STRANGLED TO DEATH.

## A Bad Man from Prussia Sent to the Hereafter by the Rope Route—The Crime for Which He Died.

ATBURN, N. Y., Aug. 21.—Franz Josef Vetsmekey this evening suffered the extreme penalty of the law for the murder of Mrs. Paulina Froitzheim, June 1, 1883.

The crime was first discovered when the husband of the victim returned to his home after his day's labor, and found the mutilated corpse of his wife lying in a pool of blood upon the floor. Her brains had been beaten out with the blunt end of a hatchet, the examining surgeon testifying that over twenty blows had been struck with the weapon. The murderer was captured on the following day in Albany. The trial lasted one week. The prisoner admitted having killed the woman, and put in a plea of self-defense. He claimed that she sought the interview and urged him to elope with her, but upon learning that he was already married she flew into a rage and drew a revolver upon him. He defended himself with the hatchet. After the commission of the crime he rifled the house of everything in the shape of jewelry or money, and the theory of the prosecution was that he went to the house merely for the purpose of robbery, but that upon being confronted by the woman he felt compelled to put her out of the way.

He was originally sentenced to be hanged March 21, 1884, but the law's delays have lengthened his lease of life until to-day. The prisoner's last days were passed quietly, he planning all visitors and denying the consolation of religion until the last. He was a handsome, finely proportioned Prussian of 24 years of age, and came to this country when 18 years old. He had deserted his wife, and his only kinsman on this side of the ocean was a half brother. His last night was without incident except that he broke down completely when he embraced his brother for a last farewell, and both sobbed convulsively. Rev. Father Ulrich prayed with him until 11 o'clock, when he retired to rest and slept soundly.

The death warrant was read in the cell at 10 o'clock, and shortly afterward the prisoner stood beneath the gallows. He appeared unmoved when asked if he had anything to say. Father Ulrich replied, saying the prisoner wished to confess that he was justly punished for the crime. He asked forgiveness of all whom he had scandalized or caused pain, and died willingly in the hope of salvation. The noose and black cap were then adjusted, and at 10:23 the weight fell. The neck was dislocated, and at 10:45 the physicians pronounced him dead. Petemakey left instructions as to the disposal of his body, and the burial took place in the Catholic cemetery this afternoon. About 800 persons witnessed the execution.

## AN AMICABLE SETTLEMENT.

Conference Between the Civil Service Commission and the New York Custom-house Officials.

[Special to the Courier-Journal.]

NEW YORK, Aug. 21.—Civil Service Commissioner Eaton and Chief Examiner Lyman went down to the Custom-house this morning and were closeted until noon with Acting Collector Berry. There seems scarcely any doubt that the conference with the officers of the Custom-house will result in an amicable settlement of any dispute between those officers and the National Board of Civil Service Commissioners.

Mr. Comstock, Chairman of the Examining Board, appears to be the only one of the persons directly interested who admits that there was any hostility shown to the cause of civil-service reform, and he admits it only impliedly. The Surveyor denied it, and the acting Collector does also; but there is no doubt that there were all the appearances of a fight, whether any existed or not. The presence of Messrs. Eaton and Lyman proves that there was some misunderstanding.

A gentleman, who has made the matter a subject of investigation, said to-day: "I don't believe there was any real intention on the part of Surveyor Beattie to disregard the Civil-service Law. There is, doubtless, in Mr. Beattie, as there is in most politicians, a latent contempt for the Civil-service Act, so after the resignation of the member of the examining board, who represented the Surveyor's office, when the Civil-service Commissioners wrote to Mr. Beattie that they would be glad to receive from him two or three names of men fitted to fill the place, and added that they had no doubt that he would suggest men of high character and of great firmness of mind, Mr. Beattie, with his latent contempt for scholasticism and perhaps with some conceit, felt somewhat insulted. It seemed to him entirely gratuitous and had an air of superiority which Mr. Beattie did not like, so he answered what he pleased, and his answer has caused the trouble."

The Surveyor was asked if he had anything to say regarding the visit of Messrs. Eaton and Lyman to the Custom-house. This was before they had had a conference with him. He replied: "I deny that by any word or action of mine, since I entered upon the duties of this office, I have shown any hostility to the spirit of the civil service rules. I consider them a part of the law, and as such they ought to be respected."

## An Excursion for Crab Orchard.

[Special to the Courier-Journal.]

GEORGETOWNS, Ky., Aug. 21.—A grand excursion to Crab Orchard Springs and return leaves here on a special after the Lexington fair, which comes off next week, Col. Will B. Hays having made special arrangements to and from the Springs.

A serenade and banquet given Col. Will B. Hays at the Wells House to-night was a brilliant success.